

Amend Regulation Section 1700

Section 1700. Definitions.

For the purpose of the provisions of Education Code Sections 17462, ~~and 17462.3, and 17463.7~~, the terms set forth below shall have the following meanings:

“Apportionment” means a reservation of funds for the purpose of the purchase of real property, modernization of real property, or construction of improvements on real property, that is approved by the Board for a school district, county office of education or Charter School.

“Board” means the State Allocation Board as established by Section 15490 of the Government Code.

“Charter School” shall mean a school as established in California pursuant to Education Code Section 47600, et seq.

“District Representative” means a member of the a school district, county office of education or Charter School staff or other agent authorized on behalf of the school district, county office of education or Charter School to serve as the “District Representative” to execute and file forms with the Board on behalf of the school district, county office of education, or Charter School and/or act as a liaison between the Board and the school district, county office of education or Charter School.

“Form SAB 308” means the *Return of Real Property Sale Proceeds Notification*, Form SAB 308 (New 06/14), which is incorporated by reference.

“Office of Public School Construction (OPSC)” means the State office within the Department of General Services that assists the Board as necessary on behalf of the Director.

“One-time Expenditures” means costs paid by the general funds of a school district that are nonrecurring in nature and do not commit the school district to incur costs in the future, and are exclusive of Ongoing Expenditures.

“Ongoing Expenditures” means costs paid by the general or special funds of a school district in support of employee salaries, benefits and other costs that are associated with ongoing and sustained operations and services except, if approved by the State Allocation Board, a single and one-time payment toward reducing a district’s existing unfunded liability for postemployment benefits other than pensions will be considered a one-time expenditure and not an ongoing expenditure if the following conditions are also met: (1) the unfunded liability was incurred prior to January 1, 2007, (2) the unfunded liability has been determined using actuarial measurement methods as defined in Governmental Accounting Standards Board Statement 45, and (3) the payment is consistent with any plan made by the district according to Assembly Bill 1802, Chapter 79, Section 43(a)(6)(A), Statutes of 2006 (Committee on Budget), as amended by Senate Bill 1131, Chapter 371, Statutes of 2006 (Committee on Budget and Fiscal Review), or a similar plan adopted by the district’s governing board.

“Portable Facility” means a building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable building, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.

Note: Authority cited: Sections 17462, ~~and 17462.3 and 17463.7~~, Education Code, Section 15490, Government Code.

Reference: Sections 17462, 17462.3, 17463.7 and 17463.8, Education Code.

Section 1701. 10-Year Time Period

For the purpose of the provisions of Education Code Section 17462.3(a)(3) and (b):

- (a) Moneys shall be considered received on the date the Board approved an Apportionment.
- (b) The real property is considered sold on the date of the title transfer.
- (c) Sale of real property shall include real property transferred through condemnation proceedings.
- (d) Sale of a Portable Facility that does not include the land to which it is affixed is not subject to Education Code Section 17462.3.

Note: Authority cited: Section 17462.3, Education Code.

Reference: Section 17462.3, Education Code.

Section 1702. Reporting Requirements and Return of Funds

- (a) Any school district, county office of education, or Charter School that sells real property and is subject to the provisions of Education Code Section 17462.3(a) is required to submit a completed Form SAB 308 to the OPSC within 90 calendar days of the sale of the real property, as outlined in Section 1701(b).
- (b) When calculating the portion of the real property sold pursuant to EC Section 17463.2(c), the gross acreage/square footage of the school site as well as square footage of building area shall be considered for the purpose of determining the proportionate percentage of funding to be returned.
- (c) When the Board makes a finding that the school district, county office of education, or Charter School, is subject to the provisions of Education Code Section 17462.3, the school district, county office of education, or Charter School must return the moneys to the Board within 90 calendar days of the Board's finding.

Note: Authority cited: Section 17462.3, Education Code.

Reference: Section 17462.3, Education Code.